

# CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA



## NEWSLETTER

ISSUE NO. 26  
OCTOBER, 2002

### ACKNOWLEDGMENTS

October 30, 2002 is the last day of service to the Chiropractic Physicians' Board by **Dr. Jeffrey D. Andrews** and **Dr. Bill J. Bailey**, who are term limited. Jeff Andrews was first appointed to the board on January 6, 1986 and has served continuously in various capacities, including President. Bill Bailey has served continuously since he was first appointed on March 12, 1990 and has been the board's Secretary for the past ten years. The board and staff extend their grateful thanks for their diligence, hard work and professional support. We wish them well.

Thanks, also, to **Dr. Jason Lovaas** for his service as Chair of the board's Test Committee. Dr. Lovaas has given much time and effort since 1998 producing and refining the testing material. He was always available for administration of the examinations and anything else that was asked of him.

### CHIROPRACTOR'S ASSISTANT REGISTRATION

Many licensees continue to postpone registering persons hired to perform CA work until they have completed several months or more of CA training in their practices. Quite a few years ago, acknowledging that there is no schooling available for CAs in Nevada, the board provided for training on the job if they registered with the board by means of the On-the-Job Training application. The initial cost of registering a CA for on-the-job training is \$25.00 plus the \$39.00 fingerprint fee, a total of \$64.00. The \$25.00 fee is credited toward the certification application fee when the CA's six months of training is completed.

NRS 634.018, subsection 15, defines the following as **unprofessional conduct**: "Employing, directly or indirectly, any person as a chiropractor's assistant unless the person has been issued a certificate by the board pursuant to NRS 634.123, or has applied for such a certificate and is awaiting the determination of the board concerning the application." (Emphasis added.)

Any person hired to be trained on the job as a CA must register with the board within a reasonable length of time. A reasonable length of time has been deemed by the board to be within 15 days of the person's hire.

The board's primary responsibility is protection of the public and unregistered persons in training to treat patients are a major concern. A licensee who is found to have employed an unregistered person performing CA work for more than 15 days may be subject to disciplinary action.

### CHIROPRACTOR'S ASSISTANT EXAMINATION RESULTS

The pass rate of the two most recent CA examinations was very low. Although almost all examinees passed the law test, the CA test pass rate was about 25%.

The current test material has been reviewed and determined to be well within the range of CA requirements. There has been no fundamental change in the test material for several years, yet some re-take examinees actually scored lower than the first time they took the test.

The six month training of a Chiropractor's Assistant on the job is solely the responsibility of the supervising DC. A certified CA may assist, but the DC **must directly supervise the training** and is responsible for assuring that the trainee is qualified for certification.

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## **Disposition of Complaints**

**Complaint No. 01-27** alleged that a DC billed for services not performed. The doctor's patient records coincide with the bills for treatment. Although the complainant is credible she is unable to provide evidence to support her allegations and the complaint was dismissed.

**Complaint No. 01-29** was filed by a PI patient who was informed by the DC that "everything would be taken care of by insurance." The complainant claims she would not have agreed to such extensive treatment had she known that the third party in the accident would be determined to be uninsured and that her health insurance would pay poorly. The doctor and his staff maintain that the patient was fully and properly informed of all charges and office procedures. There was no violation and the complaint was dismissed.

**Complaint No. 02-5** This complaint was filed by an insurance company representative against a DC and an attorney alleging that they engaged in unethical and unprofessional conduct. Two insureds were involved in a motor vehicle accident and responded to a TV ad by contacting an attorney who referred them to the DC. The DC required that the attorney's forms, including a lien form, be filled out prior to treatment. It was determined that there was no violation of statute or regulation and the complaint was dismissed.

**Complaint No. 02-6** was filed by a DC against another DC who published a brochure in which he advertised an unapproved specialty and denied that it was a chiropractic treatment, and it contained no mention that he was a chiropractor. A business card of a person who was not registered with the board was attached to the brochure. A letter citing the violations was sent. The doctor promptly responded that he had become aware of the violations prior to receiving the board's letter and had already

discontinued distribution of the brochure. He has advised that it will not be reprinted. The unregistered person terminated shortly after he was hired. The board determined that the DC is now in compliance and dismissed the complaint.

**Complaint No. 02-7** was filed by a resident of a seniors complex who responded to an offer of free exam and x-rays which resulted in the DC's advice that she needed 12 months of treatment with traction for her neck pain. She declined his offer of a payment plan. The manager of the seniors complex told her she had exactly the same experience with this chiropractor. When the lady presented to a second DC, the first one refused to release her x-rays because they were free and "the report was not complete." The complaint was dismissed with a letter of instruction to be sent to the DC that seniors need to be warned about conditions that are common to older persons and citing NRS 629 regarding release of patient records.

**Complaint No. 02-14** A Medicare patient claimed that he was injured because he was "slammed" by the adjusting table as it was raised. He also disapproves of the doctor's advertisement for CAs in the local newspaper. Neither the doctor nor his employees recall that he had indicated that he was injured and he appeared to be in good condition when he left. He did not keep an appointment to meet with the DC to discuss his alleged injury. There was no violation and the complaint was dismissed.

**Complaint No. 02-16** This complainant had been unsuccessful in obtaining a refund for the portion of treatments not received for which she had paid in advance. She was unable to contact the DC who has closed her practice and moved out of state. The DC's attorney responded to the board's inquiry that the DC has filed bankruptcy and enclosed a Proof of Claim form for forwarding to the complainant because they did not know how to contact her. The complaint was dismissed.

## **Disciplinary Actions**

### **David P. Buanno, DC**

Dr. Buanno was found guilty of violations of NRS 634.018(10): unprofessional conduct, defined as conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public, including the acts found at NAC 634.430(1)(e)(2) and/or (3) for billing insurance using the provider signature of a medical doctor for services actually provided by Dr. Buanno, the act found at NAC 634.430(1)(e) for billing insurance for services provided when the patient had already paid for the services in cash, and the acts found at NAC 634.430(1)(e)(2) and/or (3) for using CPT codes in such a way as to deceive insurance companies into believing the services were provided by a medical doctor.

Dr. Buanno was also found guilty of violations of NRS 634.018(5): unprofessional conduct, defined as willful disobedience of the law, or of the regulations of the state board of health or of the Chiropractic Physicians' Board of Nevada, including the acts found at NAC 634.435(1) and/or NAC 634.435(1)(c)(3) for failing to keep accurate and complete records in documenting the results of comprehensive examinations, report of findings, and in x-ray evaluation and reporting, and the acts found at NAC 634.373 for failing to notify the board of the name changes associated with his practice.

Dr. Buanno's license was suspended for three years during which he is required to stay current with his continuing education during each year of his suspension, including a ten hour course on record keeping, prior to completion of his suspension. Dr. Buanno must pay the costs of the hearing including the costs incurred for services rendered by the Office of the State Attorney General. The costs shall be paid in full prior to complete of the suspension and reactivation of his

## **Disciplinary Actions (Cont'd)**

### **David P. Buanno, DC (Cont'd)**

license. Recovery actions may be instituted by the board if Dr. Buanno fails to pay the costs within the time allotted.

### **Dale Grensted, DC**

Dr. Grensted entered into an Agreed Settlement of Disciplinary action in which he has stipulated to a violation of NRS 634.018(11), unprofessional conduct, for violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of NRS 634 or the regulations adopted by the board, or any other statute or regulations pertaining to the practice of chiropractic, including the act found at NAC 634.410(1) for failure to supervise a person in his place of practice who, while working as his office manager, pled guilty to Felony Insurance Fraud, and NAC 634.410(1)(e) and/or (NAC 634.430(1)(e)(1) for engaging in abusive insurance billing practices, including billing for services that had not been performed. Dr. Grensted's license was suspended for one year, but the suspension is stayed with probation imposed provided he attend 12 hours of continuing education in record keeping, non-home study, in addition to the regular continuing education requirements and he must submit his records for review by the CPBN on a quarterly basis.

### **Mark A. Tarantolo, DC**

Dr. Tarantolo was placed on probation for one year for violation of NRS 634.018(10), unprofessional conduct, for conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public, because he provided false information to the board, a violation of NAC 634.430(1)(g).

## **DOCTORS, when you tell your patients, "DON'T WORRY ABOUT IT," that means YOU HAVE TO WORRY ABOUT IT.**

There has been an increase in the number of complaints coming before the board that can be avoided altogether. The common thread starts with the words "don't worry about it," and it's all about personal injury cases.

There have been numerous complaints before the board where the patient is overly concerned about how the bill is going to be paid and the doctor says "don't worry about it."

Many times the doctor assumes that there will be automatic coverage either from med pay, group health or an attorney lien and feels confident that they will be reimbursed from one source or another. However, it is not uncommon that the patient does not have med pay, you are not a provider for their HMO or PPO, and the patient chooses not to have a lawyer.

There are many variables that can cause a low settlement for the patient, who is ultimately responsible for the bill, who in turn does not feel responsible, since the doctor said "don't worry about it." Many of these accounts are turned over to collections, which results in complaints to the board. It is important that doctors be very mindful as to what is said to the patients to prevent this outcome.

The bottom line is, if it turns out the patient does not have adequate insurance, by using the magic words, "don't worry about it," there is a good chance you

volunteered to do the case pro bono.

Start worrying about it and you will save the board, yourself and valued patients a bunch of headaches.

### **DID YOU SEE...**

**Dr. Margaret Colucci's picture on the cover of the July/August issue of Nevada Woman magazine? Dr. Colucci was featured under "Women In Business." Congratulations, Maggie.**

## **Renewal Reminders**

### **Dually Certified CAs**

If you are a certified CA and also a CA for Massage, you must renew both certificates each year.

### **DC and CA Renewals**

We usually experience problems with the mail during the holiday season. If you wait until late in December to mail your license or certificate renewal, we recommend that you pay with a money order or certified bank check and mail it via Priority or Certified Mail. If your renewal is late or does not arrive at all, your license or certificate will be **automatically suspended** and you will be required to pay the reinstatement fee in addition to the renewal fee, unless you are able to provide proof that your renewal was timely paid.

**You must allow 30 days for issuance of your renewal certificate from the date we receive it.**

*See Page 5 for more renewal information.*

## Test Results

Congratulations to the following doctors who have passed the law test and are eligible to be licensed:

### **Granted June 22, 2002**

Carolyn J. Aise, DC  
Christine M. Bakir, DC  
Richard M. Bakir, DC  
Jeremy M. Bula, DC  
Mark W. Davies, DC  
Michael F. Diraimondo, DC  
Jason O. Jaeger, DC  
Jennifer A. Kaldy, DC  
Jeffrey S. Keysar, DC  
Daniel S. Lechowicz, DC  
Jeffrey M. Rosenberg, DC  
Andrew-Douglas Minh Vo, DC  
Vance F. Whaley, DC  
Curtis A. McEntire, DC

### **Granted September 28, 2002**

Stephen A. Alexander, DC  
Edward R. Balle, DC  
Kathleen R. Barnett, DC  
Bret D. Corbett, DC  
Charles R. Donofrio, DC  
Bobby J. Forsyth, DC  
Jason W. Haas, DC  
Judy I. Stern, DC  
Karl R. Weimer, DC

On July 27, 2002, the following were granted CA certificates:

### **Chiropractor's Assistants**

Diane Brokaw  
Maria Ceballos  
Karen Devine  
Sheila Driscoll  
Kristen M. Karau  
Tanya M. Nechodom  
Katie Rambo  
Eunice Salgado  
Kimberly Tanz

### **Chiropractor's Assistant for Massage**

Katie Rambo

## Next Examinations

Law tests for DC licensure are offered as follows:

<b><u>Test Date</u></b>	<b><u>Application Deadline</u></b>
November 20, 2002	September 20, 2002
February 26, 2003	December 27, 2002
May 14, 2003	March 14, 2003

The next examinations for Chiropractor's Assistants and Chiropractor's Assistants for Massage will be administered in Reno and Las Vegas on Friday, January 24, 2003. **Qualified applicants whose files are complete** will receive information regarding the tests approximately 30 days prior to the test date.